



14<sup>th</sup> April 2025

Dear Sir/ Madam,

**North Wales Regional Transport Plan (draft) - Public Consultation**

We object to the inclusion of the A494/A55/Flintshire Corridor (hereafter referred to as the Red Route) in the Draft North Wales Regional Transport Plan (hereafter referred to as the dNWRTP) and call for it to be removed from the NWRTP for the following reasons:

1. Statutory Status of the dNWRTP vis-a-vis the Red Route:

The Corporate Joint Committee (CJC) is not in a position to include the Red Route in the dNWRTP because it would be a trunk road, so the CJC cannot consent it, as consenting powers lie with the Welsh Ministers. It is, therefore, questionable whether the dNWRTP, if adopted including an aspiration for the Red Route, would be lawful. Indeed, the plan-formulator makes a key admission in this respect, stating:

***'The CJC and local authorities in North Wales have no direct influence over the strategic road network'***

The plan-formulators' use of the term 'aspirational' in a regional transport plan policy in respect of a major new highway scheme ( the Red Route) which they admit they have no powers to consent, makes no sense, and has no materiality.

The reasons for its inclusion are unclear. If by its inclusion, the plan-formulators are indicating that they intend to lobby the Welsh Government for its consideration, then it should be removed from the dNWRTP, for the following reasons:

- a. A regional transport plan is not a lobbying document – it is a statutory plan, a fact admitted by the plan-formulators in the body of the draft NWRTP itself.
- b. Interventions proposed in regional transport plans must be realistic and deliverable - the Red Route is neither.
- c. The CJC should not be cherry-picking an individual project and lobbying the Welsh Government in favour of it when:
  - it is manifestly damaging.
  - it has already been recently rejected by the Welsh Government via the expert Roads Review Panel conclusions in respect of it.
  - it is not in conformity with the Wales Transport Strategy (Y Llwybr Newydd WTS) and
  - it has not been the subject of a fit for purpose SEA (please see below for more details in relation to this matter).

The plan-formulators state in their FAQ that:

***'The Welsh Government... will support the delivery of our strategic road network aspirations, as the bodies responsible for managing, maintaining and improving the strategic road network'*** (emphasis added)

This is wrong. The Welsh Government will not support such an environmentally-damaging project that is so fundamentally at odds with its entire transport policy architecture.

## 2. Legality of Inclusion of the Red Route in the dNW RTP - The Wales Transport Strategy Y Llwybr Newydd:

The plan-formulators' approach to the Wales Transport Strategy / Y Llwybr Newydd is deficient. It is important to understand at the outset that the overall aim of the WTS is to reduce reliance on the private car and bring about a modal shift away from it to other modes of transport. This overarching aim is set out at the beginning of the WTS, in the introduction by the Minister for Transport Economy and North Wales Mr Ken Skates MS and the Deputy Minister for Transport and Economy Mr Lee Waters MS, as follows:

***'Where we need new transport infrastructure, we will take a new approach... We will use the Sustainable Transport Hierarchy to give priority to meeting the demand for travel by walking, cycling and public transport ahead of private motor vehicles'***

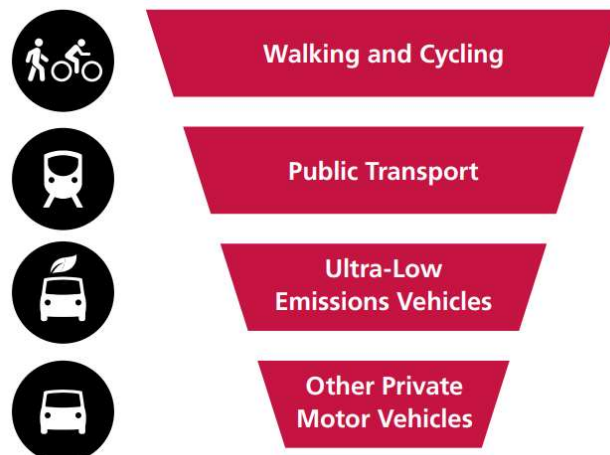
It is self-evident, therefore, that the Red Route is fundamentally in conflict with the WTS. Indeed, in recently rejecting the Red Route, the Welsh Government-appointed expert Roads Review Panel (RRP) stated in their conclusions that the Red Route would:

***'increase private vehicle capacity... and undermine sustainable transport modes'***

The WTS establishes a strict transport hierarchy, with major new highway construction only to be considered after all other options have been exhausted. This is clearly not the case for the Red Route. Numerous options exist including, for example, a combination of enhanced public and active travel measures, small-scale 'on-line' highway upgrades and SMART traffic measures. In attempting to construct an argument to the effect that the dNW RTP is in conformity with the WTS, the plan-formulators have merely cherry-picked a small number of elements in the strategy which they feel support their case.

This hierarchy is set out in the 2023 Welsh Government guidance to CJs on the production of Regional Transport Plans, para 2.1.6 of which makes the hierarchy absolutely explicit:

***'Where new infrastructure is needed, the RTPs and RTDPs must follow the Sustainable Transport Hierarchy':***



It is instructive to note that the plan-formulators make no attempt whatsoever to justify the Red Route itself in terms of the WTS, presumably because they know that it cannot be justified. This puts the plan-formulators in the illogical position of lobbying for a project, which, by tacit admission, cannot be in conformity with the WTS, in a document that must be in conformity with the WTS.

### 3. The National Transport Delivery Plan:

Para 2.2.2 of the 2023 Welsh Government guidance to CJs on the production of Regional Transport Plans states:

***‘The RTPs and RTDPs must align with the NTDP’***

The Red Route is not contained within the NTDP, therefore the dNWRTP is not aligned with it and we therefore consider that the RR should be removed from the dNWRTP. Furthermore, it is not contained within the NWRTP, a further tacit key admission on the part of the plan-formulators.

### 4. The 2023 Welsh Government Guidance to CJs on the Production of RTPs’ Overarching Requirements of the NWRTP:

Section 2 (Key Points) of the above guidance sets out the overarching requirements of the Welsh Government vis a vis the NWRTP, as follows:

***‘We DO want the RTPs to be firmly focused on achieving modal shift.***

***We DO want you to follow the five ways of working set out in the Well-being of Future Generations (Wales) Act 2015.***

***We DO want you to use creative ways to engage people to achieve modal shift.***

***We DO want you to include disincentives for car use as well as incentives for more sustainable travel’***

The above requirements show that the dNWRTP is fundamentally not in conformity with the requirements of the Welsh Government.

The Red Route would have the opposite effect to achieving modal shift, a fact noted by the expert Roads Review Panel in their conclusions, as set out above.

The plan-formulators have not followed the Ways of Working set out in the Wellbeing of Future Generations (Wales) Act, in terms of the following:

Thinking Long-Term: In including the Red Route, the plan-formulators have shown short-term thinking by including a very damaging major new highway construction project which would (as the expert Roads Review Panel concluded) exacerbate carbon emissions.

Prevention: Including the Red Route in the dNWRTP fails to prevent damage in a plethora of areas, including, for example, biodiversity, climate change mitigation, community integrity and rural sustainability.

The Inclusion of Disincentives for Car Use: Far from disincentivising car use, the Red Route would act as a powerful incentive to such use, as concluded by the expert Roads Review Panel

5. Approval of the dNWRTP by the Welsh Government:

The Corporate Joint Committees (Transport) (Wales) Regulations 2021 establishes the legal framework for regional transport plans. It amends the Transport Act 2000 as follows:

**3. For section 109A (of the Transport Act 2000) there were substituted—**

***‘109A Approval of regional plan***

***(1) A corporate joint committee must submit its regional transport plan to the Welsh Ministers for their approval***

***(4) The Welsh Ministers may approve a regional transport plan under this section if (but only if) they consider—***

***(a) that the plan is consistent with the Wales Transport Strategy’*** (emphasis added)

We consider that the dNWRTP could not be approved by the Welsh Ministers if it included the Red Route, for the reasons set out in this document.

6. Failure to Carry out a Statutory Strategic Environmental Assessment (SEA) in Respect of the Inclusion of the Red Route:

It is questionable whether the dNWRTP, if adopted to include an aspiration for the Red Route, would be lawful, due to *inter-alia* the failure of the plan-formulators to carry out and consult upon a statutory SEA in respect of the inclusion of the Red Route.

An examination of the SEA, contained within the Integrated Wellbeing Appraisal, reveals that the plan-formulators make no attempt whatsoever to assess the likely environmental effects of the Red Route’s inclusion in the dNWRTP. Furthermore, the plan-formulators make no attempt to explain why the largest and most damaging proposed intervention in the whole of the dNWRTP has somehow escaped the provisions of the SEA Directive and Regulations, and evaded SEA appraisal. This is a fundamental flaw in the SEA and therefore in the dNWRTP, and goes to the heart of both.

Article 1 of the SEA Directive states that its aim is:

***‘to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans... with a view to promoting sustainable development’***

The complete exclusion of the Red Route from the SEA means that it does not provide a high level of environmental protection, does not contribute to the integration of environmental considerations into the plan and does not therefore promote sustainable development.

Again, if by excluding the Red Route from the SEA, the CJC is indicating that it intends to use the NWRTP as a lobbying tool, this is unacceptable for the reasons set out above.

We conclude that the plan-formulators must either remove the Red Route from the dNWRTP altogether, or subject it to a fit for purpose SEA, which would have to score it very adversely against a plethora of SEA and plan, objectives, including *inter alia* biodiversity, climate and modal shift for example. Such a fit for purpose SEA would have to recommend the removal of the Red Route from the dNWRTP.

## 7. Planning Policy Wales 12 (PPW 12) and Ancient Woodland:

Planning Policy Wales is a major material consideration in the formulation and adoption of Regional Transport Plans. Para 4.1.4 of PPW12 states:

***‘Land use and transport planning must be integrated. The planning system must ensure it enables integration between transport measures and land use planning;’***

Furthermore, para 2.3.4 of the 2023 Welsh Government guidance to CJs on the production of RTPs states:

***‘RTPs will provide a good platform for better integration with land use planning. RTPs must take account of:***

- ***Planning Policy Wales;’***

The advent of the new chapter 6 of planning policy Wales (PPW) is an unsurmountable block to the inclusion of the Red Route the dNWRTP, due to the presence of the Leadbrook Wood in the path of the proposed highway. Ancient woodland is listed in PPW12 under the category of Irreplaceable Habitats in the footnote at page 149, and therefore must be avoided pursuant to the new step-wise approach as set out at para 6.4.15 et seq.

### The PPW 12 Stepwise Approach:

#### PPW Paragraph 6.4.15 (1 (a)):

##### Step 1: Avoid:

The plan-formulators fail the first step of the stepwise approach, set out here and at Figure 12, because they do not avoid biodiversity damage, as we and others have shown.

##### Step 2: Alternatives:

Paragraph 6.4 .15 (1 (a)) states that:

***‘where there may (not ‘will’) be harm, reasonable alternatives must be examined’***

The plan-formulators have failed to adequately examine reasonable alternatives, as set out above.

#### Paragraph 6.4.15 (1 (b)):

This paragraph states that the location of the Red Route crossing an Irreplaceable Habitat (ancient woodland) is unacceptable in principle, i.e., regardless of any claims the plan-formulators may make about its supposed merits.

The first sentence of paragraph 6.4 .15 (1 (b)) is fatal to the inclusion of the Red Route in the dNWRTP because it states baldly that site searches must exclude Irreplaceable Habitats. Thus, the search for a line for major new highway construction (notwithstanding that we do not believe that this is necessary at all) which crosses an ancient woodland is not permitted. As a statement the Welsh national policy, this could not be clearer.

#### PPW 12 Damage Hierarchy:

Paragraph 6.4.15 (2) et seq. of the stepwise approach sets out the remaining stages in the established Welsh Government damage hierarchy (mitigation, restoration, minimisation, mitigation, compensation, etc). However, these steps are preceded by and contingent upon the following:

***‘when all locational, siting and design options for avoiding damage to biodiversity have been exhausted’***  
(emphasis added)

As we and others have shown, the plan-formulators have manifestly failed to exhaust these options and we consider, therefore, that the Red Route must be removed from the dNWRTP.

#### PPW12 and the ‘Wholly Exceptional Circumstances’ Test:

Paragraph 6.4.15 1b further states in relation to development and Irreplaceable Habitats:

***‘It will be wholly exceptional for development to be justified in such circumstances’*** (i.e., in Irreplaceable Habitats).

The term ‘wholly exceptional circumstances’ sets an extremely high bar, and one for which an absolutely compelling case would need to be made for the development site, and the development site alone.

An examination of the use of the term ‘Wholly Exceptional Circumstances’ elsewhere in PPW supports this very high bar. For example, Para 5.10.14 of PPW states:

***‘Proposals for opencast, deep-mine development or colliery spoil disposal should not be permitted. Should, in wholly exceptional circumstances, proposals be put forward they would clearly need to demonstrate why they are needed’***

It is clear that the Welsh Government (and ultimately the Welsh Government Ministers) do not expect to permit development proposals for opencast, deep-mine development or colliery spoil disposal, and we consider that the same level of presumption applies to the Red Route.

The plan-formulators cannot, therefore, surmount the wholly exceptional circumstances test because:

- a. there is nothing wholly exceptional about a highway scheme for which multiple reasonable alternatives exist, as set out by the Ministerially-appointed expert Roads Review Panel and others, and in the context of wider societal trends (working from home, demography, tourism trends etc), which means that the need for any major intervention is very questionable, and;
- b. there is nothing wholly exceptional about this highway scheme in terms for the need for the scheme at this location.

#### 8. Community and Third Sector Engagement in the dNWRTP:

Paras 4.2.3 et seq of the 2023 Welsh Government guidance to CJs on the production of RTPs set out the requirements for engagement, stating:

***‘The key partners will be... third sectors across different transport modes. CJs must engage with the public, using creative and innovative means of involving a diverse range of people.***

***There should also be a wider engagement process involving activities such as working groups, forums, face to face meetings and formal consultations.’***

We can attest that the CJC made no attempt whatsoever to work with the third sector (environment) over the inclusion of the Red Route in the dNWRTP. None of the Welsh eNGOs were contacted, in spite of the fact that

the Red Route is by far the most damaging project included in the dNWRTP. Furthermore, no attempt was made to engage with the over 1000 people who signed the Senedd petition against the Red Route, nor were there any attempts to contact landowners on the line of the Red Route.

No working groups involving members of the public in the vicinity of the Red Route took place, nor were any public meetings in the vicinity of the line of the red Route organised.

Without prejudice, the formal consultation process appeared to have been designed specifically to be concealed from the public. The actual consultation draft NWRTP was not displayed on the landing page of the CJC consultation webpage and could only be located by following a series of arcane and complicated steps that would have defeated many members of the public and community groups. The consultation questionnaire does not name-check the Red Route as an intervention that the respondent can specifically oppose or support, even though it is by far the largest and most damaging intervention in the dNWRTP. The dNWRTP itself is too large to be stored or emailed by most domestic computers

#### 9. Was the Red Route Paused ?

The dNWRTP states in the written justification to Policy SRN3 that the Red Route was 'paused'. This is wrong. Under the heading 'Previous Road Projects', the Welsh Government gives the Red Route's status as:

***'Withdrawn'***

The Welsh Government's published response to the findings of the expert Roads Review Panel further states in respect of the recommendations of the Road Review Panel:

***'Following the review's recommendations, we will not be going ahead with proposed improvements to the A55/A494 A548 Flintshire corridor.'***

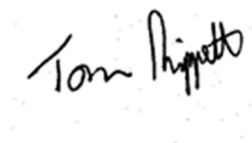
#### 10. Conclusion to the Main Body of this Objection:

An examination of the documentation associated with the dNWRTP leads the reader to the inevitable conclusion that the Red Route has been retroactively 'crowbarred' into the document. It is fundamentally at odds with the rest of the document itself, as well as with the entire Welsh Government transport policy landscape. The inclusion of this major, damaging new highway construction project has no place whatsoever in a Regional Transport Plan.

**We consider that the Red Route should be removed from the document and excluded from the adopted version. We consider that its inclusion goes to the heart of the dNWRTP and fundamentally undermines it.**

Yours faithfully,

Professor Tom Rippeth,  
Chair, Stamp Out The Red Route



Frances Cattnach,  
CEO, North Wales Wildlife Trust



## ANNEX 1:

### **Further Context to the Cancelled Red Route:**

There was widespread opposition from all political parties, including Labour MSs Hannah Blythyn and Caroline Thomas, Conservative MS Mark Isherwood, Plaid Cymru MS Llyr Huws Gruffydd for example and from numerous community councils, including Flint Town Council for example.

A Senedd petition was organised by STAMP Community Group. This was signed by over 1000 people. This resulted in an 18 month Senedd investigation into the flawed selection process that arrived at the Red Route (<https://senedd.wales/media/i2te0c3r/cr-ld14170-e.pdf>)

In particular the Senedd Petitions Committee made the following recommendations:

***Recommendation: That detailed design work and further impact assessments in relation to the proposed scheme do not take place until the effects of the Covid-19 pandemic on traffic patterns has been fully assessed.***

The claimed need for the Red Route was predicted on a 20% increase in traffic between 2015 and 2037. However, there are very serious question marks as to whether or not traffic levels in the vicinity have increased. For example, a recent traffic survey undertaken in conjunction with the proposed replacement of the A494 Dee Bridge shows no increase in traffic since the original 2015 surveys associated with the consideration of the Red/ Blue routes.

There is some evidence that there has been a fall in some major 'external road users'. For example, there has been a significant drop on Holyhead lorry traffic (Stats Wales indicates an 18% drop over the period 2019 - 2023 i.e., before the Holyhead port difficulties of the winter 2024/25)

Data also shows a fall in Welsh tourism by 2023 of 13% relative to pre-pandemic levels.

Also:

***'Recommendation 3: That a detailed re-assessment of the costs associated with the scheme is undertaken and published. This should include accounting for any additional costs associated with related works such as those associated with the 'Red Route Plus' option and upgrades required to the Flintshire Bridge, including wind proofing.'***